



Criteria for Pesticides Used for the Production of Marijuana in Washington

September 2014

The following represents the opinion of the Washington State Department of Agriculture (WSDA) regarding the criteria for pesticides that may be used for the production of marijuana (Cannabis) in Washington. This opinion may be rescinded or superseded at any time by the WSDA.

1. Pesticides that require federal registration by the U.S. Environmental Protection Agency (EPA) under Section 3 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA):
 - EPA and WSDA registration is required prior to distribution of the pesticide.
 - Prior to planting marijuana outdoors (such as a field), use of a pesticide (e.g., broad spectrum herbicide, soil fumigant) is allowed if the food crop to be planted following application is not specified on the label.
 - Prior to planting marijuana in an enclosed facility (such as a greenhouse), use of a pesticide (e.g., disinfectant, sanitizer) is allowed to control microorganisms on surfaces (such as benches, floors, pallets, pots, skids).
 - Use of a pesticide on marijuana is allowed if:
 - The active ingredient is exempt from the requirements of a tolerance (e.g., auxins, biopesticides [most active ingredients], copper, cytokinins, gibberellins, petroleum oil, phosphorous acid, pyrethrins, soap, sulfur), and
 - The label has directions for use on unspecified food crops, home gardens or herbs (outdoor or enclosed), including unspecified food crops or herbs grown as bedding plants. (Marijuana will not be specifically listed as a crop on the pesticide label.)
2. Section 25b minimum risk pesticides (exempt from federal registration):
 - WSDA registration is required prior to distribution of the pesticide.
 - Use on marijuana is allowed if the product is labeled for use on unspecified food crops, home gardens or herbs (outdoor or enclosed), including unspecified food crops or herbs grown as bedding plants. (Marijuana will not be specifically listed as a crop on the pesticide label.)

WSDA has compiled a list of pesticides that fit the above criteria for use on marijuana. The list is not an endorsement or a recommendation regarding the use of any specific pesticide for the production of marijuana in Washington. The list has been provided to the Washington State Liquor Control Board and the Washington State Department of Health, and will be updated by WSDA as needed.

A searchable list of these pesticides is available from the Washington State University Pesticide Information Center Online (PICOL) database (<http://cru66.cahe.wsu.edu/LabelTolerance.html>). In order to view the list on PICOL, select WA, current year only, I-502/I-692(WA only) equals yes, and click submit query. You can either view the list, or export it to Excel.

Background Information:

Both state and federal law require that pesticides be applied according to label directions. As part of the directions for use, pesticide labels will specify the particular crops and/or sites to which they can be applied. Depending on the particular pesticide, the crops/sites listed on the label can be expressed very specifically (e.g., “wheat”), or more generally (e.g., “grain crops”). While a pesticide with a label that specifies “wheat” can only be applied to wheat, a pesticide that lists “grain crops” on the label can be applied to wheat, barley, oats, rye, etc.

In determining which pesticides, if any, might be used legally on marijuana, the WSDA asked the EPA if marijuana might fit into any general crop groups, such as herbs, spices or vegetable gardens. EPA's current position is that marijuana is not an herb, a spice or a vegetable. EPA considers marijuana to be a controlled substance, and has indicated that marijuana is not listed as a crop/site on any pesticide label. However, EPA does concede that, depending on actual label language, pesticides may be legally used on marijuana under certain other very general types of crops/sites when there is an exemption from the requirement of a tolerance.

Pesticide active ingredients that do not have any labeled uses on food crops include the plant growth regulators daminozide and paclobutrazol. These active ingredients cannot be used on marijuana grown in Washington, since an exemption from tolerance has not been established by the EPA.

Marijuana Regulation in Washington:

In 1998, Washington voters approved Initiative 692 (I-692), which authorized the medical use of marijuana by patients with qualifying conditions. Medical marijuana information is available from the Washington State Department of Health.

In 2011, Governor Christine Gregoire (WA) and Governor Lincoln Chafee (RI) petitioned the Drug Enforcement Administration (DEA) to reclassify Cannabis for medical use from a Schedule I controlled substance to a Schedule II controlled substance. The DEA has not made a determination on the petition.

In 2012, Washington voters approved Initiative 502 (I-502), which authorized the recreational use of marijuana by adults 21 years of age and older. Recreational marijuana is regulated by the Washington State Liquor Control Board (LCB).

In 2013, Governor Jay Inslee (WA) contacted U.S. Attorney General Eric Holder regarding marijuana regulation in Washington. Governor Inslee requested that WSDA assist the LCB. LCB developed rules for regulating recreational marijuana, including limits on the use of pesticides and fertilizers. The U.S. Department of Justice provided written guidance regarding the marijuana enforcement priorities of the federal government.

For information regarding recreational marijuana production (including pesticide use), contact the Marijuana Examiner Program (LCB) at 360-664-1614 or email mjexaminer@lcb.wa.gov.

For information regarding the registration of pesticides, contact Erik Johansen (Special Pesticide Registration Program Coordinator) at 360-902-2078 or email ejohansen@agr.wa.gov.

For information regarding how to comply with the pesticide label, contact Joel Kangiser (Program Manager, Compliance Services) at 360-902-2013 or email jkangiser@agr.wa.gov.